IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SECOND DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE C.V.RAMULU

TAKEN UP WRIT PETITION NO : 4302 of 2000

Between:

1 C.Ravi Shankar
R/O Nanganoorupalli Village, Preddature Mandal Cuddapah Dist
2 B.Gurappa
R/O Nanganoorupalli Village, Preddature Mandal
Cuddapah Dist
3 Naga Raju
R/O Nanganoorupalli Village, Preddature Mandal Cuddapah dist
4 C.P. Gangaiah
R/O Nanganoorupalli Village, Preddature Mandal Cuddapah Dist
5 Venkata Subbamma
R/O Nanganoorupalli Village, Preddature Mandal cuddapah dist
6 B.Jeevaiah
R/O Nanganoorupalli Village, Preddature Mandal
cuddapah dist
7 B.Nagamani
R/O Nanganoorupalli Village, Preddature Mandal cuddapah dist
8 B. Nagamunendrudu
R/O Nanganoorupalli Village, Preddature Mandal cuddapah dist
9 C.Gangaiah Yadav
R/O Nanganoorupalli Village, Preddature Mandal cuddapah dist
10 C.C. Gangaiah
R/O Nanganoorupalli Village, Preddature Mandal cuddapah dist
11 C. Ganga Krishna
R/O Nanganoorupalli Village, Preddature Mandal cuddapah dist
12 B. Rama Krishanaiah
R/O Nanganoorupalli Village, Preddature Mandal
cuddapah dist
13 C.Ramayya
R/O Nanganoorupalli Village, Preddature Mandal
cuddapah dist
14 C,.Ramulamma

R/O Nanganoorupalli Village, Preddature Mandal
cuddapah dist

15 T.Naraya
R/O Nanganoorupalli Village, Preddature Mandal cuddapah dist

16 C. Nageswari
R/O Nanganoorupalli Village, Preddature Mandal
cuddapah dist

17 Bala Gurappa
R/O Nanganoorupalli Village, Preddature Mandal cuddapah dist

18 B.Venkata Subbamma
R/O Nanganoorupalli Village, Preddature Mandal cuddapah dist

19 Bondeyys
R/O Nanganoorupalli Village, Preddature Mandal cuddahap dist

20 Malam Chinna Balaiah
R/O Nanganoorupalli Village, Preddature Mandal cuddapah dist

21 Bathala Bhusanamu
R/O Nanganoorupalli Village, Preddature Mandal
cuddapah dist

22 Bathala Pullamma
R/O Nanganoorupalli Village, Preddature Mandal cuddapah dist

23 B.Byragani Gangamma
R/O Nanganoorupalli Village, Preddature Mandal cuddapah dist

24 Sakani subbanna
R/O Nanganoorupalli Village, Preddature Mandal
cuddapah dist

25 Papulamma
R/O Nanganoorupalli Village, Preddature Mandal
cuddapah dist

26 Modemu Narayana
R/O Nanganoorupalli Village, Preddature Mandal cuddapa dist

27 Mekala China Venkata Subbaiah
R/O Nanganoorupalli Village, Preddature Mandal cuddapah dist

28 Narabyanamma
R/O Nanganoorupalli Village, Preddature Mandal. cuddapah dist

29 Naraboyina Pedda Ganganna
R/O Nanganoorupalli Village, Preddature Mandal
cuddapah dist

30 Polthi Muneyya Naidu
R/O Nanganoorupalli Village, Preddature Mandal cuddapah dist

31 K. Suseelamma
R/O Nanganoorupalli Village, Preddature Mandal
cuddapah dist

32 P.Gangaiah
R/O Nanganoorupalli Village, Preddature Mandal cuddapah dist

33 M.Papulamma
R/O Nanganoorupalli Village, Preddature Mandal
cuddapah dist

34 Venkata Subbaiah
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35 Chavali Sekhara
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36 B.Subramanyam
R/O Nanganoorupalli Village, Preddature Mandal cuddapah dist

37 M.Nagaiah Yadav
R/O Nanganoorupalli Village, Preddature Mandal
cuddapah dist
38 M.Adi Narayana
R/O Nanganoorupalli Village, Preddature Mandal cuddapah dist
39 M.Kuilayappa Naidu
R/O Nanganoorupalli Village, Preddature Mandal
cuddapah dist
40 Rammakka
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cuddapah dist
41 M.Venkata Narayana
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42 M. Venkata Subbamma
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43 M.Sreenu
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44 C.Chavali Siva Ganga
R/O Nanganoorupalli Village, Preddature Mandal cuddapah
45 C.Venkata Subbamma
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46 C.Gangaiah
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47 C.Raju
R/O Nanganoorupalli Village, Preddature Mandal cuddapah dist
48 C.Pullaiah
R/O Nanganoorupalli Village, Preddature Mandal cuddapah dist
49 M. Venkata Subba
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50 Chinni
R/O Nanganoorupalli Village, Preddature Mandal
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51 Nagaiah
R/O Nanganoorupalli Village, Preddature Mandal cuddapah dist
52 Mebu Peera
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cuddapah dist
53 Munayya
R/O Nanganoorupalli Village, Preddature Mandal
cuddapah
54 Gurappa
R/O Nanganoorupalli Village, Preddature Mandal cuddapah
55 Subba Rayudu
R/O Nanganoorupalli Village, Preddature Mandal cuddapah
56 Balaiah
R/O Nanganoorupalli Village, Preddature Mandal cuddapah dist
57 Yerraiah
R/O Nanganoorupalli Village, Preddature Mandal
cuddapah
58 Appaiah
R/O Nanganoorupalli Village, Preddature Mandal cuddapah dist

59 Ganganna
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60 Hasinmiya
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61 Pottaiah
R/O Nanganoorupalli Village, Preddature Mandal
cuddapah
62 Nagaiah
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63 Byragi
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cuddapah
64 Pubu
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65 Kondaiah
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66 Gangamma
R/O Nanganoorupalli Village, Preddature Mandal
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67 Sudhakar
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68 B.Parvathi
R/O Nanganoorupalli Village, Preddature Mandal
cuddapah
69 Venkata Subbaiah
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cuddapah
70 Y.V.Manjula
R/O Nanganoorupalli Village, Preddature Mandal cuddapah
71 Mabu Peera
R/O Nanganoorupalli Village, Preddature Mandal, Cuddapah
72 B.Nagarjuna
R/O Nanganoorupalli Village, Preddature Mandal cuddapah
73 B.Saraswathi
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74 B.Nagamanendrudu
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75 B.Chinna Gurappa
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76 Not readable in english
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cuddapah
77 B.Guru swamy
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78 D.Gangaiah
R/O Nanganoorupalli Village, Preddature Mandal
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79 P.S.Ravi Kumar
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80 C.Ramachandrudu
R/O Nanganoorupalli Village, Preddature Mandal

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81 Chagoti Venkata Subbaih
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82 A.Narayana
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83 T.Subba Rayudua
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84 B.Jeemaiah
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85 Not legible in Telugu
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88 Not legible in Telugu
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89 not legible in Telugu
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90 B.Mani
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91 C.Gangamma
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92 C.Sekhar
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93 Not Legible
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94 Parvathamma
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95 Anjaneyulu
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96 obulamma
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97 C.Raghavulu
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98 Ramayya
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99 Pullamma
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100 Sanjamma
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101 Golu Lakshmma
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102 Nirmala
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103 C.Jaya Lakshmanmma
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104 Challa Golla Pedda Ramayya
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105 Ammanni
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106 C.Tulasi
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107 Kadarabada Rajakka
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108 P.Muniswami Naidu
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109 G.Sanjeeva Raidu
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110 A.G.Prasad
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111 Paki Golla Eeramma
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112 Lakshmi Devi
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113 C.Tekulamma
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114 C.Sekhar
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115 C.Bala Chennamme
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116 C.Lakshmi Devi
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117 C.Ankayya
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118 B.Krishnaiah
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119 Subbamma
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120 Byragoni Rama Devi
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121 Lakshamamma
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122 Subbaiah
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123 Guru Bhagyamma
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124 Chapati Peddakka

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125 B.Malliswari
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126 Gangamma
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127 Gurappa
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128 Yanchala Subba Rayudur
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129 Tati Chinna Ganganna
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130 C.Chagoti pede subba rayudu
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131 Chagoti Subbaiah
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132 Ramayya
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133 Ramulamma
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134 Gangaiah
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135 Bhavani
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136 Ravi Shankar
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137 Geradaiah
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138 Tota Narayana
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139 Subba Rayudu
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140 C.Ashok
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141 Gangaiah
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142 Ganganna
R/O Nanganoorupalli Village, Preddature Mandal cuddapah
143 Muniswami
R/O Nanganoorupalli Village, Preddature Mandal cuddapah
144 B,Guru Ravi
R/O Nanganoorupalli Village, Preddature Mandal cuddapah
145 Devi
R/O Nanganoorupalli Village, Preddature Mandal

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146 C.Gangaiah
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147 Gurappa
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148 Lakshmamma
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149 Nadipi Gurappa
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150 M.Pedda Narayana
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151 Peda Ganganna
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152 Subbanna
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153 Mekala Gangulaiah
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154 Pedda Gurappa
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155 Siva
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156 Lakshmamma
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157 Chinna Gurappa
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158 Venkata Lakshmamma
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159 Sekhar
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160 Chavali Nageswari
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161 Guru Devi
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162 Venkata Lakshmamma
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163 Sanabbadu
R/O Nanganoorupalli Village, Preddature Mandal cuddapah
164 C.Srinivasulu Yadav
R/O Nanganoorupalli Village, Preddature Mandal
cuddapah
165 C.Vijaya

R/O Nanganoorupalli Village, Preddature Mandal cuddapah
166 Avireni Venkataiah
R/O Nanganoorupalli Village, Preddature Mandal cuddapah
167 Avireni Venkata Subbaiah
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168 P.Gangaiah
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169 Ganganna
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170 Subbanna
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171 B.Narayana
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172 not legible in telugu
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173 B.Laxmi Devi
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174 C.Gangaiah
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175 B.Naganna
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176 M.Naidu
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177 Barunaiah
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178 B.Nagamenendrudu
R/O Nanganoorupalli Village, Preddature Mandal. cuddapah
179 subba Rayudu
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180 K.Ganganna
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181 Obulesu
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182 B.Tirupalaish
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183 Y.Sugunamma
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184 Agolu Laxmi devamma
R/O Nanganoorupalli Village, Preddature Mandal cuddapah
185 B.Gurappa
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186 B.Guruswami

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187 Agolu Salamma
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188 Agolu Guramma
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189 B.Chinna Naganna
R/O Nanganoorupalli Village, Preddature Mandal cuddapah

190 A.Chendra Mouli Naidu
R/O Nanganoorupalli Village, Preddature Mandal cuddapah

191 S.Venkata Subbaiah
R/O Nanganoorupalli Village, Preddature Mandal cuddapah

192 Nagasayana
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193 Laxmi Devi
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194 Subbamma
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195 Narayanamma
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196 Mekala Chennamma
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197 Chavali Chinna Ganganna
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198 Mekala Pullaiah
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199 M.Venkataiah
R/O Nanganoorupalli Village, Preddature Mandal. cuddapah

200 Mabasha
R/O Nanganoorupalli Village, Preddature Mandal cuddapah

201 M.Dastagiri
R/O Nanganoorupalli Village, Preddature Mandal cuddapah

202 M.Dastagiri
R/O Nanganoorupalli Village, Preddature Mandal cuddapah

203 Kamal
R/O Nanganoorupalli Village, Preddature Mandal cuddapah

204 V.Mahaboob Basha
R/O Nanganoorupalli Village, Preddature Mandal cuddapah

205 Abdul
R/O Nanganoorupalli Village, Preddature Mandal cuddapah

206 M.Venkata Subbamma
R/O Nanganoorupalli Village, Preddature Mandal cuddapah

207 Y.Nagaraju
R/O Nanganoorupalli Village, Preddature Mandal cuddapah

208 Simalapanta Kamala

R/O Nanganoorupalli Village, Preddature Mandal
cuddapah
209 B.Narayya
R/O Nanganoorupalli Village, Preddature Mandal. cuddapah

..... PETITIONER(S)

AND

1 Byragani Chanti Gurrappa
R/o Nanganooripale Village, Proddatur Mandal
cuddapah
2 Byragain Dr. Gurrappa
R/o Nanganooripale Village, Proddatur Mandal cuddapah
3 Byragani Naidpal Gurrappa
R/o Nanganooripale Village, Proddatur Mandal cuddapah
4 Chevali Venkata Ramudu
R/o Nanganooripale Village, Proddatur Mandal cuddapah
5 Chavali Chinna Gangaiah
R/o Nanganooripale Village, Proddatur Mandal cuddapah
6 Chavari Pedda Gangaiah
R/o Nanganooripale Village, Proddatur Mandal cuddapah
7 Shaik Dubbeshapu
R/o Nanganooripale Village, Proddatur Mandal cuddapah
8 Koppali Ramakrishnaiah
R/o Nanganooripale Village, Proddatur Mandal
cuddapah
9 The Mandal Revenue officer
Proddatur Mandal
Cuddapah
10 The Revenue Divisonal Officer Jammalamadugu Revenue divisional
Cuddapah
11 The District Magistrate and Collector, Cuddapah Dist
12 The Superintendent of Police
Cuddapah Dist.
13 The Secretary, Government of Andhra Pradesh, Revenue

Department, Secretariat Hyderabad

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the petition, the High Court will be pleased to issue an order, direction or a writ , more particualry one in the nature of writ Mandamus calling for records and remarks from the respondents Nos.9 to 13 herein, in and connected to "Encroachment of Burial Ground situated in survey No.93.2 of Nanganooripalli Village, Proddatur Mandal. Cuddapah District by the Respondent Nos.1 to 8 herein on account of which dead bodies of the Village are being buried on the bank of Penna River, the ground water being polluted, many diseases are being caused to the villagers due to drinking of the polluted water and pass appropriate orders for taking action against the encroachers and for removing the encroachment and hand-over the land to the villagers (Petitioners) for Burial of the dead in the interest of Justice.

Counsel for the Petitioner:PETITION

Counsel for the Respondents 1 to 8: Mr.P.Veera Reddy

Counsel for the Respondent Nos.9 to 13: GP FOR REVENUE

The Court made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

In this petition, which was registered as a taken up petition, grievance is as regards the encroachment of burial ground and pollution of water. Notices were issued to the respondents.

The Mandal Revenue Officer, Proddatur Mandal, filed reply affidavit stating that based on the representation, enquiry was conducted into the matter and the enquiry revealed:

"…that the land in question i.e., Sy.No.93/2 extent Ac.12-00 is classified as village site poramboke as per village accounts. Nangamurupalle village is shotrium taken over village. While the Surveyors during the survey conducted at the time of taking over indicated certain portion in the village site land as burial ground but the extent actually allotted for this purpose is not mentioned. There are four tombs in the said survey number. As the tombs were existing in the site, the surveyors who conducted survey might got the impression as this is being used as graveyard and indicated those symbols in the sketch under Survey No.93/2 though it is classified as village site poramboke. It is submitted that actually no site is earmarked for burial ground in Nanganurupalle village, as per the village accounts. Regarding allocation of site for burial grounds, suitable land will be provided within four months. I shall stop burying the dead bodies in Penna river. Public water supply scheme is available in the village and the villagers are not at all taking drinking water by making pits in dry bed of the river. A bore well for P.W. Scheme was located in a temple and water is being drawn from the bore well for drinking water purpose. Water tap connections were available to the dwelling houses, besides that public water taps are also arranged in the village."

In view of the affidavit in reply, it is found that there is no pollution of drinking water on account of burial of dead bodies in the dry bed of the river. The remaining grievance as made in the petition stands fulfilled by inspection carried out by the Mandal Revenue Officer and steps taken therefor.

The petition accordingly stands disposed of since no further direction deserves to be issued.

_____

DEVINDER GUPTA, CJ

2-8-2004

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C.V.RAMULU, J

Tvr

To

1. The Mandal Revenue officer
   Proddatur Mandal
   Cuddapah
2. The Revenue Divisional Officer, Jammalamadugu Revenue Division
   Cuddapah.
3. The District Magistrate and Collector, Cuddapah District.
4. The Superintendent of Police, Cuddapah District.
5. The Secretary, Government of Andhra Pradesh, Revenue

Department, Secretariat, Hyderabad.

6. 2 CCs to the Govt Pleader for Revenue, High Court Buildings,

Hyderabad (OUT).

7. 2 CD copies.